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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,163	01/02/2001	Robert C. Eisenman	RE-1	9699
7:	590 09/20/2002			
Michael I. Kroll			EXAMINER	
171 Stillwell Lane Syosset, NY 11791			LIEU, JULIE BICHNGOC	
			ART UNIT	PAPER NUMBER
			2632	
		DATE MAILED: 09/20/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Office Action Summary Examiner Julie Lieu 2832 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH (S) FROM THE MALING DATE of This communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH (S) FROM THE MALING DATE OF THIS COMMUNICATION. Examations of line may be available under the provisions of 3 CFR 1-136(e). In one event, however, may a reply to time of the correspondence address state to stop Wint's from the midling date of this communication, reply whitin the datatory morismon of their (30) days will be considered timely. If NO period for reply its sporided above, the miscrimen stinatory period vall apply and volt copies 35 (6) MONTH (S) from the maling date of this communication. Fault to ship within the date of excelled paired for epity in sporided provided reply of the provided provided reply of the communication. Fault to ship within the date of excelled provided reply of the ship stination, some adjustment sheem ANTICONCHO (SOLE). Responsive to communication(s) filed on <i>Q2 January 2001</i> . Status 1) Responsive to communication(s) filed on <i>Q2 January 2001</i> . 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) Claim(s) 1-18 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 10) Acknowledgment is made of a claim for dome			T- 4:-				
Examiner Julia Liau 2632 263		Application No.	Applicant(s)				
Julie Lieu 2632		09/753,163	EISENMAN, ROBERT C.				
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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, "said transmitter device" lacks antecedent basis. It is not clear if it refers to the transmitter or the transmitting device recited in claim 1. Correction is required. For examining purposes, it is assumed to be the transmitting device which transmits GPS signal as recited in claim 1.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 3. Claims 1-6, 9, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nantz et al (US Patent No. 5,873,412) in view of Petite et al. (US Patent No. 6,437,692) and Hoffman et al. (US Patent No. 5,742,233).

Claim 1:

Nantz discloses a vehicle alarm comprising a housing and a vehicle alarm activator within the housing including a transmitter for activating an alarm system on a vehicle. Nantz fails to disclose a transmitting device located with the housing for transmitting a location signal to a GPS system for determination a location of the device. Nonetheless, the concept of combining a remote transponder with a GPS receiver and to transmit a location signal based on information provided by the GPS system is well known in the art as taught in Petit et al. wherein a GPS device is incorporated into a remote transceiver for remotely controlling a number of devices. See fig. 3E in Petite.

In light of this teaching, it would have been obvious to one skilled in the art to apply this concept in the vehicle alarm activator in Nantz because it would be desirable to user a personal alarm device and to know the location of the user of the device since knowing the user's location

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would provide an advantage that in the situation when the user is in distress or emergency situation, it would be easy to locate this person as in the case disclosed by Hoffman et al.

Claim 2:

The device in Nantz includes a key ring extending from the side of the housing. See fig. 1.

Claim 3:

The use of infrared LED in a remote controller such as a vehicle security system transponder is convention in the art. Thus, it would have been obvious to one skilled in the art to use an infrared LED in the transmitter of Nantz because it is old and well known.

Claim 4:

In the modified system of Nantz, the alarm activator includes an alarm activation button (among other buttons) extending from the housing for activating the transmitter to transmit an infrared signal.

Claim 5:

It is inherent the transmitter device in Nantz includes a processor and memory device connected to the processor for storing identification information concerning the device.

Claim 6:

The transmitting device in the combined system of Nantz, Petite, and Hoffman comprises an activation button to activate the modified system to retrieve and transmit information to the GPS system

Claim 9:

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The use of clip releasably connected to the housing for releasable securing a person alarm device to an article of clothing of the user is conventional in the art. Thus, no patentable weight is given.

Claim 12:

It is inherent that the device in Nantz has a power source connecting to the alarm activator and transmitting device.

Claim 13:

The personal alarm device in Hoffman has a power source sensor 122 for sensing the power level of the power source.

Claim 14:

The device in Hoffman detects the low power level then transmits the signal to a remote monitoring location. Therefore, the reference suggests indicating the low battery status. A skilled artisan would have readily recognized using an illuminating device on the combined device of Nantz, Petite, and Hoffman because it would indicate to the device user that the battery needs to be replaced for the device to operate.

Claim 15:

One skilled n the art would have readily recognized that, in the combined system, the location signal is transmitted to the GPS system to allow for constant tracking of the device.

Claim 16:

In this combined system, there is an activation button for generating an alarm signal to be transmitted upon activation the activation button.

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4. Claims 7, 8, 10, 11, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nantz et al (US Patent No. 5,873,412) in view of Petite et al. (US Patent No. 6,437,692) and Hoffman et al. (US Patent No. 5,742,233) and further in view of Van der Laan et al. (US Patent No. 5,929,761).

Claim 7:

It is not clear whether the personal alarm device in Hoffman includes a speaker for generating an audible signal when the activation button is activated. However, the use of audible signal to indicate that a signal has been transmitted by the activation of a button on a transmitter is conventional in the art as taught in Van der Laan et al. (col. 3, lines 53-57). Therefore, it would have been obvious to one skilled in the art to use an audible indicator in the combined system of Nantz, Petite, and Hoffman for that reason.

Claim 8:

It is not clear that the personal alarm device in Hoffman has a cover connected to the housing and slidable along a portion thereof for selectively covering the activation button. However, the use of a cover to protect a switch or button from being inadvertent actuated is convention in the art as shown in Van der Laan et al. In light of this teaching, one skilled in the art would have readily recognize using a protective cover to in the personal alarm device in Hoffman for the same reason. Regarding the claimed cover being slidable, this only constitute a choice in design.

Claim 10:

The personal alarm device in Van der Laan et al. includes visual informing means to indicate that the activating signal has been received, so that the transmitter can terminate the

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transmission. In light of Van der Laan et al.'s, it would have been obvious to one skilled in the art to use a visual indicator in the combined system of Nantz, Petite, and Hoffman for the same purpose.

Claim 11:

The use of a visual indicator to indicate that the device is powered or on is very conventional in the art. Therefore, one skilled in the art would have readily recognized using a power-on indicator in this combined system because it is conventional to indicate that a device is on by providing an illuminated light.

Claims 17 and 18:

Van der Laan suggests both audible and visual indicators as a feedback to the user that activation of an activation button. Therefore, it would have been obvious to one skilled in the art use this concept in the combined system of Nantz, Petite, and Hoffman for the same purpose.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on Mon-Thursday, 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Julie Lieu

Primary Examiner Art Unit 2632